## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X LEXINGTON INSURANCE COMPANY as subrogee

of BP/CG CENTER I, LLC, BP/CG CENTER II, LLC CITIGROUP CENTER CONDOMINIUM and all Other named insureds under policy number 8753820,

**RULE 7.1 STATEMENT** 

Plaintiffs, Docket No.: 08 CIV 6563

-against-

LOCHINVAR CORPORATION, SOUTH ERIE PRODUCTION COMPANY doing business as SEPCO-ERIE and S. DIGIACOMO & SON, INC.,

| Defendants. |
|-------------|
| <br>X       |

Pursuant to Federal Rule of Civil Procedure 7.1 (formerly Local General Rule 1.9) and to enable District Judges and Magistrate Judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for defendant, LOCHINVAR CORPORATION, certifies as follows:

1. LOCHINVAR CORPORATION is a privately owned corporation. It has no parent corporation. It is not publicly traded.

Dated: August 18, 2008

White Plains, New York

Yours, etc.,

RENDE, RYAN & DOWNES, LLP.

By: \_\_/S\_

ROLAND T. KOKE (RK 1068)

Attorneys for Defendant LOCHINVAR CORPORATION 202 Mamaroneck Avenue White Plains, New York 10601 (914) 681-0444

To: GWERTZMAN, LEFKOWITZ, BURMAN, SMITH & MARCUS Attorneys for Plaintiffs 80 Broad Street-16<sup>th</sup> Floor New York, New York 10004 Attention; David S. Smith

212-968-1001